

Applicant: Kitchen et al.
Filed: May 31, 2001
Application No.: 09/867,588

REMARKS

The present Amendment and Response is responsive to the Office Action mailed March 20, 2007. As a preliminary matter, the applicants have amended Claims 34, 36-39, 41, 43, 45, and 47-48, canceled Claims 35, 40, 42, 44, and 46, and added new Claims 49-53. Therefore, Claims 34, 36-39, 41, 43, 45, and 47-53 are currently pending. The applicants respectfully submit that support for these amendments and additions can be found in the specification and that no new subject matter has been added by the afore-mentioned claim amendments or additions. Accordingly, the applicants respectfully request reconsideration and allowance of the application.

Claim Rejections under 35 U.S.C. § 112

In the Office Action, the Examiner rejected Claims 34-48 under 35 U.S.C. § 112 for failing to comply with the written description requirement. Specifically, the Examiner stated that the specification has no mention of transmitting location identifiers of an agreement between a payer and biller and that the specification has no mention of first, second, or third network stations.

First, the applicants have hereby amended Claims 34, 36-39, 41, 43-45, and 47-48 to recite an “agreement” and “terms and conditions” instead of a “location identifier” and an “agreement.” More specifically, for example, Claim 34 has been amended to read “an indicator to access terms and conditions” where “a location identifier of an agreement” was previously recited. The applicants respectfully direct the Examiner’s attention to column 35, lines 33-35, of the applicant’s published application (“Published Application”) where support under § 112 for the present amendments can be found.

Second, the applicants respectfully submit that sufficient support is provided in the applicants’ specification for claiming a first, second, or third network stations as recited in Claims 38-41 and 44 prior to amendment. For example, the applicants respectfully direct the Examiner’s attention to Figure 2 and to column 19, lines 16-18, of the Published Application. Thus, the applicants respectfully submit that the claims reciting a first, second, and third network

station as originally presented are fully supported by the specification in accordance with § 112. However, for other reasons, the applicants have hereby amended or canceled some of the references to a first, second, or third network station as previously submitted and reviewed by the Examiner. More specifically, independent Claim 39 no longer recites a first and second network station and instead recites simply a “network station” and Claim 41 likewise no longer recites a second network station. Claims 40 and 44 were canceled. Notwithstanding, Claims 38 and 45 as amended, both reciting a first and a second network station, do have sufficient support in the specification as identified above.

Accordingly, the applicants respectfully submit that Claims 34, 36-39, 41, 43-45, and 47-48 as amended are sufficiently described pursuant to 35 U.S.C. § 112 and are in condition for allowance.

Claim Rejections under 35 U.S.C. § 102(e)

In the Office Action, the Examiner rejected Claims 34-48 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,128,603 to Dent et al. (“*Dent*”).

First, the applicants respectfully assert that *Dent* does not disclose “transmitting, via the network, a bill including an indicator to access terms and conditions to a payer” as claimed in the applicants’ amended independent Claim 34, and similarly recited in independent Claims 39 and 45. Specifically, Claims 34, 39, and 45 have been hereby amended to specifically recite transmitting “terms and conditions,” which are clearly different from that information disclosed in *Dent* as a “details page” as relied upon by the Examiner in the Office Action. (See Office Action, ¶ 7 citing *Dent*, Col. 7, ll. 29-33, FIG. 4, item 76).

The “details page” disclosed in *Dent* displays information such as “line items detailing a purchase date, purchase order number, invoice number, item number, description of item, quantity, price, total, tax, and amount due,” which are all bill-specific data. (See *Dent*, Col. 7, ll. 38-42). The “terms and conditions” as recited in Claims 34, 39, and 45 are not bill-specific information. In FIG. 15 of the applicants’ specification, similar bill-specific information is illustrated in areas 1530 and 1505, and described in reference to blocks 1515, 1520, 1525, and

1540 providing, for example, the invoice number, due date, purchase dates, product descriptions, and total due. (See Published Application, FIG. 15, Col. 35, ll. 10-35). However, the applicants distinctly described the “terms and conditions” of block 1555 separate from describing the information in areas 1530 and 1505, (*see id.*), which is similar information as displayed in the “details page” of *Dent*.

Thus, the “terms and conditions” in the applicants’ application refer to information distinct from that disclosed in *Dent*. Accordingly, the Examiner errs by assimilating the “details page” of *Dent* to the “terms and conditions” (or the “agreement” as recited prior to amending) of Claims 34, 39, and 45, and the applicants respectfully assert that *Dent* fails to teach or suggest transmitting “terms and conditions” as is recited in the applicants’ amended Claims 34, 39, and 45.

Second, the applicants respectfully contend that the Examiner mistakenly states that *Dent* discloses “a second network station” (or “a third network station”) for transmitting the agreement (now “terms and conditions” as amended) as recited in dependent Claim 38 and amended independent Claim 45. In the Office Action the Examiner rejected Claims 38-41, and 44 which each recite either a second network station and/or a third network station. (See Office Action, ¶¶ 11-14, and 17).

As an initial matter, the applicants have amended Claims 39 and 41 to remove the recitation of the first and second network stations, and have canceled Claims 40 and 44 rendering the Examiner’s rejection thereof moot. Further, the applicants respectfully assert that *Dent* discloses a network configuration including only a single biller/biller computing unit 22 that may transmit bill-related information as described above. (See *Dent*, FIG. 1 and Col. 4, ll. 40-67). *Dent*, however, does not disclose “a second network station” (e.g., there are no multiple biller computing units 22 or other computing devices for transmitting or receiving requests for bill related information via the network 26 to the consumers 28(1)-(N) in *Dent*) as is recited in the applicants’ Claims 38 and 45.

Thus, the applicants respectfully submit that *Dent* fails to teach or suggest a method “wherein the bill is transmitted by a first network station and the terms and conditions are

transmitted by a second network station different than the first network station” as recited in amended Claim 38. Similarly, Claim 45 as amended recites “a first network station that transmits, via a network, a bill including an indicator to access terms and conditions to a payer; and a second network station that receives, via the network, a request from the payer for the terms and conditions via activation of the indicator, and transmits to the payer, via the network, the requested terms and conditions,” which is not taught or suggested by *Dent*. Therefore, the applicants submit that *Dent* fails to teach or suggest another network station used to transmit and/or receive requests for terms and conditions as recited in Claims 38 and 45.

Accordingly, the applicants respectfully assert that amended independent Claims 34, 39, and 45 are allowable over *Dent* because *Dent* fails to teach or suggest each limitation of the claims as required under 35 U.S.C. § 102(e). Furthermore, the applicants submit that dependent Claims 36-38, 41, 43, and 47-48 are similarly allowable as a matter of law for depending from allowable claims, notwithstanding their independent recitation of patentable features. Additionally, the cancellation of dependent Claims 35, 40, 42, 44, and 46 renders the Examiner’s rejections thereof moot.

New claims allowable over the prior art of record

The applicants have submitted new dependent Claims 49-53. Claim 49 recites that “the bill is transmitted by a first network station and the request from the payer for the terms and conditions is received by a second network station different than the first network station.” Claim 50 recites that “the first network station comprises a centralized bill processing system and the second network station comprises a biller network station.” Claim 51 recites that “the first network station comprises a centralized bill processing system.” Claim 52 recites that “the second network station comprises a biller network station.” Claim 53 recites that “the first network station and the second network station comprise the same network station.” The applicants respectfully submit that no new matter is added by these amendments and that support is found in at least in Figure 2 and Column 19, lines 15-30 of the Published Application. Furthermore, as described above, Claims 49-52 are allowable over the prior art of record because

Applicant: Kitchen et al.
Filed: May 31, 2001
Application No.: 09/867,588

the references cited fail to teach or suggest a first or second network station, much less a centralized bill processing system or a biller network station. Additionally, the applicants respectfully submit that Claims 49-53 are allowable as a matter of law for depending from allowable claims, notwithstanding their independent recitation of patentable features.

Conclusion

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,


Malvern U. Griffin III
Attorney for Applicant
Registration No. 38,899

Date: 6/20/2007

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street NE
Atlanta, GA 30309-3996
404.853.8233
404.853.8806 (fax)
Attorney Docket No.: **23952-0033**